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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,086

02/10/2004

Lyn Rosenboom

457009-3

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06/04/2007

EXAMINER

STORMER, RUSSELL D

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,086

Applicant(s)

ROSENBOOM, LYN

Examiner

Russell D. Stormer

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Specification

1. The status of the co-pending application referenced on pages 3 and 10 still needs to be updated.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

There is no description of the alignment mechanism having a locking mechanism as now set forth in claim 1. In fact, the words "lock" and "locking" do not appear in the specification.

See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satzler et al (U.S. Patent 5286044 in view of Becker et al (both newly cited).

Satzler et al '044 discloses an alignment mechanism for the endless belt of a cart, comprising first and second idler wheels, a spindle 120, an alignment bracket 118, an adjustment mechanism 126, and a locking mechanism 128 for varying the alignment of the first idler wheels and spindle. The assembly does not appear to include a rotatable joint for allowing tilting of the first axle.

Becker et al teaches an alignment mechanism 70 comprising a spherical bearing 72 which allows alignment of the belt on the idler wheel spindle of an endless track vehicle. The spherical bearing would inherently allow the spindle and idler wheel to tilt or pivot. See lines 6-46 of column 4.

From this teaching it would have been obvious to provide the alignment mechanism of Satzler et al '044 with a rotatable joint to allow tilting or pivoting of the spindle to help prevent the track from riding off the idler wheel during travel on uneven ground.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satzler et al '044 in view of Becker et al as applied to claim 4 above, and further in view of Storm (newly cited).

The alignment mechanism of Satzler et al '044 as modified by Becker et al does not appear to have an eccentric bushing.

Storm teaches the use of an eccentric bushing assembly as shown in figures 9 and 10 to allow for adjustment of a guide rod 74 in multiple directions. Set screws 80 retain the rod in position once adjusted.

To provide the alignment assembly of Satzler '044 as modified by Becker et al to include an eccentric bushing would have been obvious as taught by Storm in order to allow and maintain adjustment of the spindles in multiple directions.

Allowable Subject Matter

6. Claims 8-13 are allowable over the prior art of record.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4, 5, 6, and 7 have been considered but are moot in view of the new ground(s) of rejection.

The statement on page 7 of the Remarks that Ames does not disclose or suggest all of the limitations of claim 1 is not clear if the claim 1 referred to is the amendment version of claim 1 or the version which was rejected over Ames.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other tracked vehicles with adjustable tracks.

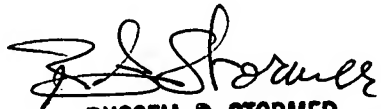
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/29/07


RUSSELL D. STORMER
PRIMARY EXAMINER 5/29/07